

CHINESE INVADERS NOW  
BARRED FROM HAWAII.Judge Estee Puts Up  
the Bars Against  
Them.

## COURT RULES LAU SAM AN ALIEN.

CELESTIAL FAILS TO MAKE  
GOOD HIS CLAIM OF HA-  
WAIIAN BIRTH.Unsubstantiated Chinese Testimony  
Has Little Weight in the Federal  
Court—Evidence Must Be  
Conclusive.

Judge Estee of the United States District Court rendered a learned and important decision yesterday, a decision far-reaching in its results, inasmuch as it forever debars an invasion of Chinese to these shores under the spurious claim that they were born here. A great American principle has been upheld by the able jurist with dignity.

There was a conspiracy—a deep-laid conspiracy—to make the United States District Court of Hawaii a vehicle for unloading a horde of Mongolians in this Territory. This threatened invasion of an undesirable class has happily been thwarted in its infancy.

The decision was rendered in the habeas corpus case of Lau Sam. The decision bears so much thought, learning and legal knowledge, aside from its importance, that it is published in The Republican with very little abridgement.

The court says that the writ was issued by the court and directed to Joshua K. Brown, United States immigration officer for the Territory of Hawaii, the petition alleging that the petitioner was illegally restrained of his liberty by said Brown as such United States immigration officer. Upon the coming in of the return, which was made and verified by E. R. Stackable, the collector of customs of the port of Honolulu, it appeared that the petitioner had been and was then in the custody of E. R. Stackable, as collector of customs. Brown being simply his assistant.

The decision then states how E. R. Stackable was substituted as respondent in place and stead of Joshua K. Brown.

The decision then recites the allegations made in return to the writ by Stackable in the detention of the petitioner. Stackable sets forth that Lau Sam is a native and citizen of China and an alien and a laborer; the embarkment of petitioner as a steerage passenger at China on the steamer Coptic, his arrival at Honolulu and his attempt to enter the Territory of Hawaii. He had examined him as to his right to land in the territory of the United States and become a resident thereof, and after inquiry held that Lau Sam was an alien laborer and not entitled to land in the United States territory or become a resident thereof, and further determined and ordered that said Lau Sam be deported and carried back to China to the port from whence he sailed at the expense of the steamship company which had conveyed him to the port of Honolulu.

Thereafter in August, 1900, the said Lau Sam appeared in writing from such decision of the collector of customs to the "Honorable Commissioner General of Immigration of the United States of America," as follows: The appeal being addressed to Messrs. Stackable and Brown.

"The undersigned, an Hawaiian born citizen, who arrived at the port of Honolulu from China on the 30th day of June, 1900, hereby appeals from the decision made by you and each of you refusing to allow him to land in the Territory of Hawaii, to the Honorable Commissioner General of Immigration of the United States of America."

"This appeal is taken on the ground that the undersigned, having been born in the Hawaiian Islands, pursuant to permission given under the law of the United States of America, that Chinese persons born in the Hawaiian Islands or United States territory, and being duly qualified and entitled to enter said Hawaiian Islands after a temporary absence in China, he should not have been denied permission to land."

This was signed "Lau Sam, by his attorney, F. M. Brooks."

Thereafter the Coptic sailed, leaving Lau Sam in custody of the collector pending his appeal. On August 1 he withdrew his appeal, saying that the friends of Lau Sam and Lau Yuen, another detained Chinaman, "think that the time and expense will be too great."

Joshua K. Brown, Chinese inspector, receipted for the withdrawal on August 2, saying it was received "too late to get these people from quarantine station before sailing of S. S. Coptic 10 a. m."

The return of the collector further alleged the detention of the said Lau Sam under the statutes of the United States in such cases made and provided and that the same is final and conclusive in the absence of an appeal to the honorable secretary of the treasury of the United States.

Upon the hearing before the court the petitioner introduced testimony tending to show that he was one of the four sons of Lau Kam Choy, a Chinese merchant or planter formerly residing or doing business at Palama, a portion of the city of Honolulu and of Yeong Shee, his wife. And it was claimed

that he was born during the sixth year of the reign of the Chinese emperor, K'ang Hsi, according to the Chinese method of computing time, so far as could be gathered from the testimony, would be about the year 1880; and that Lau Kam Choy, the father, with his family, including the petitioner, who has been about twenty years ago, left the Hawaiian Islands for China, where he has since continuously resided, a period of between sixteen and seventeen years.

Four Chinese witnesses testified that petitioner was the son of Lau Kam Choy, born at Palama. One of these witnesses, Lau Duck, who claimed to be an uncle of the petitioner, testified that the petitioner is the same person, known as Lau Sam, who was the son of Lau Kam Choy and who was born at Palama over twenty years ago and who left these islands in company with his father and other members of the family over sixteen years ago. Lau Duck, the uncle, who was not present in these islands at the time of the birth of Lau Sam and had not seen him from the time he left here, over sixteen years ago, when he, Lau Duck, went back to China, where he claims to have seen the petitioner and been introduced to him as Lau Sam. Lau Duck testified that he remained in China about two years and saw the petitioner frequently during that time, and then returned to the islands of Hawaii, about two years ago. He next testified that shortly after he arrived at Honolulu a few weeks ago, he testified that he knew Lau Sam was coming back to these islands because Lau Kam Choy, the father of Lau Sam, had written to him, advising him he was about to sail for Honolulu, and requested him to get a permit for him to land.

The petitioner, Lau Sam, remembered nothing of his residence on the islands and testified that he knew he was born here because his father had told him so; and the other witnesses, one of whom had been associated with the petitioner in business, testified that the petitioner, Lau Sam, was born here; that they knew this because Lau Duck, the uncle, had told them so. All the material facts are sustained only by Chinese and mainly hearsay testimony. There is no white testimony to establish any of the alleged facts.

To the evidence is wholly insufficient to establish the identity of the petitioner with the Lau Sam claimed to have been born here some twenty years ago as the child of Lau Kam Choy and Yeong Shee, his wife, or that Lau Sam was born here.

Similar questions involved in this inquiry have been considered by other United States courts. For instance, the case of In re Louie-You, decided by the United States District Court for the District of Oregon on the 14th of September, 1899, and reported in 97 Fed. Rep. 580, are very similar to those involved here. In that case the court said:

"The petitioner claims that he went away with his father sixteen years ago, when he was 2 years of age. Three Chinese witnesses testified that he was the son of Louie Park, born here. These witnesses are uncorroborated. The petitioner's own testimony is uncorroborated. The petitioner is not willing to do. I am not willing to establish the precedent of admitting Chinese persons who have admittedly remained out of the country for so great a length of time unless some white witness or some fact not dependent upon Chinese testimony corroborates the testimony of the Chinese witnesses relied upon to establish the identity of the person who seeks a landing. Those who leave the country when infants must not expect to gain ready readmission after they have in effect reached maturity. If satisfactory proof of their right to land is not possible in such a case, the fault is theirs. The difficulty is one easily foreseen."

The court also cites Ling Sing Far vs. U. S., 94 Fed. Rep. 834, and cases there cited. Gee Fook Sing vs. U. S., 49 Fed. Rep. 347, and continuing says, as was said by the Supreme Court of the United States in the case of Quock Ting vs. U. S., 140 U. S. 417, 420: "Undoubtedly as a general rule, positive testimony as to a particular fact contradicted by any one, should control the decision of the court, but that rule admits of many exceptions. There may be such an inherent improbability in the statements of a witness as to induce the court or jury to disregard the evidence even in the absence of any direct conflicting testimony. He may be contradicted by the facts he states as completely as by direct adverse testimony; and there may be so many omissions in his account of particular transactions of his own conduct as to discredit his whole story. His manner, too, of testifying may give rise to doubts of his sincerity and create the impression that he is giving a wrong coloring to material facts. All these things may properly be considered in determining the weight which should be given to his statements, although there be no adverse verbal testimony adduced."

In the case at bar I am convinced, after a careful consideration of all the testimony adduced, that the statements of the petitioner and the witnesses produced in his behalf are so highly improbable that their testimony is unworthy of belief, and I hereby remand the petitioner.

Court finds against the petitioner. It is therefore ordered and adjudged that the said petition be denied and that the said Lau Sam be and he is hereby remanded to the custody of Edward R. Stackable, as collector of customs for the port of Honolulu, the respondent herein, for disposition according to law, to which ruling and order of the court the petitioner duly excepts and gives notice of appeal.

Caught With Opium.  
Wong Kai, who had twenty-four tins of opium in a sack, was brought to the police station last night by Deputy Sheriff Chillingworth. The Chinaman was caught on Beretania street where he was trying to sell the drug to a countryman.

FIFTEEN HUNDRED  
THOUSAND DOLLARS.Japanese Laborers Be-  
gin Their Warfare  
in the Courts.

## THEY WANT RETURN OF MONEY.

A TEST CASE FOR A SMALL  
SUM TO RECOVER PASSAGE  
MONEY RETAINED.Umemoto Umejiro Brings a Suit  
Against the Kumamoto Immi-  
gration Company and Kei  
Hin Bank.

It was an unpretentious document that Francis J. Berry filed in the Circuit Court yesterday and the amount of damages asked, \$51, were as unpretentious as the document. Yet behind that document lurks a tornado of litigation which threatens to occupy the attention of the courts for months to come and which involves a sum of money exceeding \$1,500,000.

Umemoto Umejiro is the plaintiff in the action and the Kumamoto Immigration Company and Kei Hin Bank, corporations, defendants.

As his name would indicate, Umemoto Umejiro is a Japanese. Prior to the passage of the Newlands resolution annexing the Republic of Hawaii to the United States, Umejiro was a resident of the land of the chrysanthemum. He was a plodding, industrious worker of the hoe, but a being of some aspirations. He had a kind of vague longing to get along in the world. About the time this longing had got a half Nelson hold on him he was approached by an agent of the Kumamoto Immigration Company and asked if he would like to emigrate to the land of the lotus, where wood nymphs gambled through the tropical jungle and sirens sang so sweetly that he would soon forget his name and other things that were monotonous.

Umemoto, being somewhat practical, wanted to know how much there was in it. The agent, with a smile that was child-like and bland, replied \$13 a month. And then there were perquisites. If Umemoto's name could be put on the list of emigrants, he would be furnished medical attendance free. He had no need to say and bill collectors to annoy him on the first of the month. He would be furnished free transportation, but for the trip on the dark blue sea \$2 a month would be withheld from his wage.

What was the work? Mere play. To cultivate the land, to grow rice, to become a thirteenth he could tap a rattoon and saccharine juices would quench parched lips.

Well, to make a long story short, Umemoto Umejiro came. And with him 29,999 others. They are here, subjects of the Mikado. They came during the interval between the passage of the Newlands resolution and the 14th of last June. They came under contract. Two dollars a month have been retained by the immigration companies from their coming up to the 14th of June, when their contracts were cancelled by the constitution of the United States.

In his complaint Umemoto sets forth that he is a subject of the emperor of Japan and resides in Honolulu. That said immigration company and bank, defendants herein, are corporations existing under and by law of the empire of Japan and doing business in Honolulu.

That at divers times between the 18th of November, 1898, and the first day of May, 1900, the immigration company received from said plaintiff, as the agent of said plaintiff, the sum of \$51 and for the use and benefit of said plaintiff.

That the immigration company deposited the sum of \$51 with the bank. That the sum is due and that defendants refuse to pay it. He asks judgment for the amount. Now there are 29,999 cases similar to Umemoto's.

Litigation? Well, it looks that way.

HONOLULU IS TO  
HAVE A DISPENSARY.DECIDED AT MEETING OF THE  
GOVERNOR'S COUNCIL  
YESTERDAY.Three Applicants for the Use of the  
Channel Wharf—High PricesBlock Extension of Kukui  
Street.

Honolulu is at last going to have a dispensary, a real live dispensary, with a full working force, capable of doing what it is called upon to do.

This was fully decided on at a meeting of the Governor's Council yesterday morning. Messrs. Lowrie, Cooper and Winston of the board of health came before the council in regard to the matter of land. After considerable discussion the south corner of the court house yard was turned over to the board of health.

The custodians of the public health also brought before the meeting the subject of sewerage. The board is \$40,000 short of funds and it was decided that help from the other departments should be solicited. It was agreed that the government would see what could be done in regard to the matter.

J. M. Monsarrat came before the

meeting for F. L. Leslie on account of a land matter, but action was deferred.

An application was read from C. Vestal, who desired permission to tunnel for water at the top of Koalo mountain. His wish was granted.

Superintendent McCandless read a letter from Colonel Rubien, the head of the local quartermaster's department of the United States army, stating that he might wish to use Channel wharf for the storage of supplies. H. Hackfield & Co. also made known their wants concerning Channel wharf, stating that they also wished to use the wharf for the storage of supplies and freight from the Hawaiian-American line. A third aspirant for the control of the Channel then came forth in the person of Collector of Customs Stackable, who stated that he might need the wharf for the purpose of storing supplies.

Mrs. L. St. Sayers desired a quit claim deed to some property situated in back of Beretania street, near Punchbowl. It was decided to grant her request on condition that she give land to the government in case it desired to widen any adjacent streets. It was decided that Kukui street could not be extended until the value of property comes down to a par with the Klondike gold claims. At present there is not enough money in all the islands to buy the necessary land at the exorbitant prices asked by the owners. The plans of the Hilo railway were approved on condition that where the track ran parallel to the road a distance of not less than 100 feet should intervene. Where the roads crossed the angle of crossing was not to be less than sixty-three degrees.

Two maps from the Rapid Transit company were approved. One dealt with the track on Wilkes, Pensacola, Lunalilo and Alapai streets. The other map was of Liliha street, between King street and Wyllie.

Plaintiffs Lose Suit.

Second District Judge Dickey yesterday decided the case of Castle & Cooke vs. McCabe, Hamilton & Bennie. It was claimed by the plaintiffs that some hay which was burned on the wharf some time ago, was set on fire by sparks from the donkey engine operated by the defendants in discharging the bark Mohican. The court thought the plaintiffs were negligent in leaving the hay in an unprotected position on the wharf and decided the case in favor of the defendants, allowing them costs of court.

PREPARING FOR LABOR  
DAY CELEBRATION.A LARGE MEETING HELD AT  
PLUMBERS' HALL LAST  
EVENING.Liberal Donations from Business  
Men Towards Expenses and for  
Prizes for the Field  
Sports.

Donations for the contests on Labor day are coming in at a lively rate. At a meeting of the labor unions held at Plumbers' hall last night, Chairman L. W. Merrill of the committee of arrangements reported that the following business firms had donated something towards the celebration and that he expected the list would triple itself before another evening: Hopp & Co., Coyne, McHirtin & Co., Pacific Import Co., J. W. Lindsey, Pacific Cycle Co., L. B. Kerr & Co., L. F. Prescott, Lewis & Co., Hollister & Co., H. J. Whitman, B. F. Ehlers, R. A. Dexter, The White House, Lando, Wall, Nichols & Co., Honolulu Drug Co. and Sam Lederer.

During the evening \$25 was received from P. T. Ryan of the Encore saloon and \$10 from Dick Daley of the Owl lunch rooms. Chas. Bellina tendered the use of a four-in-hand and wagnette to the labor unions. A vote of thanks was extended to the donors. Mr. Merrill spoke of the proposed races of the Hawaiian Driving association on Labor day. Just at this point H. May, whose only mission at the meeting seemed to be to stir up discord, arose and wanted to know "What right the jockeys have to usurp Labor day for their own use—labor's day, the day of the working man?"

Mr. Connor of the Plumbers' union arose on behalf of the horsemen, assuring them that his colleagues appreciated the great kindness of the Driving association in helping the day along. Several other gentlemen supported Mr. Connor's views. Mr. May pined for wind.

Chas. Bellina, as representative of the Driving association, assured the meeting of the association's good intentions. His announcement was greeted with applause.

Mr. Connor was elected treasurer to take charge of the 50-cent assessment which had been levied on every man.

The finance committee reported that out of seventeen trades represented, five had made returns, netting \$75.

Fire Chief Hunt was called on for a speech, to which summons he responded very gracefully. He concluded by moving that a committee of one be appointed to confer with the fire commissioners concerning engines for the parade.

At this point the debate waxed warm and unparliamentary. Finally the sky cleared and W. C. Rowe was nominated and selected as the committeeman. Mr. May moved that the committee be charged with the duty of accepting the amendment, "with a vote of thanks." The motion was carried.

It was moved that \$100 be expended for a float representing labor. The matter was turned over to the committee on arrangements.

L. H. Stowe was appointed a committee on a case to see about securing men from the Iroquois, National Guard and Col. Rubien's department for the parade.

The tent and awning makers signified their intention of entering a float.

COURT OF INQUIRY  
IN DUNREGGAN CASE.It Met Yesterday at  
the British Com-  
missioner's.

## CAPTAIN DIXON GIVES TESTIMONY.

HOW THE VESSEL GOT ON THE  
REEF IN BROAD-DAY  
LIGHT.Crew, Shipmasters and Pilot Give  
Evidence on Wind, Wave and  
Current—Decision Will Be  
Given Today.

The Court of Admiralty, convened by the British commissioner to sit in the matter of the stranding of the British bark Dunreggan, met at the consulate in Palama yesterday morning. The court consisted of British Commissioner Hore, President and Captains Corrance and Jackson of the British vessels Kimory and Hulsdale, respectively.

The court was made up of captains of the British merchant marine on account of there not being a British war vessel here at present.

President Hore read the order made by him for the court and the business of the inquiry was then begun, the first witness being Captain George McLain Dixon, the master of the Dunreggan.

He testified that he had been a shipmaster for sixteen years and that the accident to the Dunreggan was the first time he, as master, had ever been in difficulty. He further stated that on the morning of the 8th of August, Makapuu point had been sighted shortly after daylight, about 5:30 by the ship's time. When about two and a half miles off Koko Head, the Head being then ahead, a course was shaped so as to clear Diamond Head by one mile. At the time the course was set the weather was clear, with a moderate sea, the wind varying from east to northeast. The course was set by the standard compass. This was about 8:30 o'clock. As soon as he saw by the land that the ship was not making the course laid down, he ordered the course changed and told the man at the wheel to keep the light-house on Diamond Head off the starboard bow. This was about three-quarters of an hour after Koko Head was passed. The presence of a strong current was noticed, which set the vessel well in towards the shore. Soundings were made and the lead found seven fathoms and no bottom. At this time the breakers were seen for the first time and the helmsman was ordered to keep the vessel outside the white line of the breakers. The ship was found to be steering badly. She had the topsails and fore topmast staysails set at the time. Soundings were taken from fifteen to twenty minutes before she struck. When she struck the mate found four fathoms all around the vessel. She was drawing nineteen feet four inches forward and nineteen feet eight inches aft. When she struck her head was pointed west southwest. After she struck her head pointed to the westward and her stern swung in towards the shore.

The captain gave as the reason for the stranding of the vessel the strong currents setting inshore. These currents were not marked on the admiralty chart that he had with corrections to August, 1899, nor was mention made of them in the directory of the North Pacific. From the time that land was sighted till the vessel stranded, the captain was on deck all the time. It was his first trip to the islands and he had no way of knowing of the reef or current except as shown on his chart.

John Stirling Fraser, the mate of the Dunreggan, was the next witness. He has master's papers and has been with the Dunreggan for six months. He stated that after the course was set off Koko Head the helmsman was told to steer west one-half north on steering compass. He had heard the captain say to keep the light-house on Diamond Head off the starboard bow. In the testimony of the captain, Mate Fraser attributed the stranding of the Dunreggan to the current and reef extending further out than is marked on the chart. On the chart the reef is located as two and a half cable lengths from the shore. This is about a quarter of a mile.

The next witness was the man who had the wheel from Koko Head to where the vessel struck. He is Oscar Johansen, an able seaman. He stated that the skipper had given him the course to steer and that he had followed it. He had been warned by the captain not to let the vessel get within the white line of the breakers. He stated that by the ship's clock the vessel struck at 9:16 a. m.

John Niederle, the second mate, stated that the vessel's course was changed when she was a quarter of a mile outside the breakers.

James E. Fowler, senior apprentice, stated that at 8:10 a. m. on the 8th of August he had set the signal for a pilot. Breakers were visible three or four points off the starboard bow at the time.

Captain John Elston of the ship Deckmaster testified that he had countermanded the current off Diamond Head when he had come around there two days after the Dunreggan stranded. Captain Adam Davies of the ship Republic, who arrived about the time that the Dunreggan went ashore, had felt the current and had steered by the

land. He stated that if he had laid his course by the chart that he had he would have sailed right over Diamond Head. He had tried to get an admiralty map before leaving Sydney, but could not do so.

Captain John Roderick Macauley, government pilot, was the last witness. His familiarity with the coast made him competent to answer many questions that were not put to him. The principal question put to him was about the inshore current at Diamond Head. He stated that in moderate weather the current set in at the point at a speed of from two to four miles an hour. In his judgment the Dunreggan was about a quarter of a mile from the shore when he went to her in the tug Eleu on the day after she stranded.

After hearing the testimony the court adjourned till 11 a. m. today, when the decision in the matter will be delivered.

LICENSED HACKMEN AND  
HOTEL STREET VILTRES.

Regular hackmen of Honolulu feel much aggrieved over the in-discriminate charges against the alleged conduct of hackmen to wards young girls on Hotel street after nightfall. Said one of the best known hackmen in the city yesterday, in speaking of the subject and the non-enforcement of the curfew law:

"The hackmen that hang about Hotel street after night are not those connected with the regular stands, but individual drivers who have no stand or regular place of business, depending upon what they can pick up on a busy street for their support. I think such a general charge against all hackmen is unjust to those conducting a legitimate business from regularly licensed stands."

As to the curfew law it is claimed it never has been and never will be enforced unless something startling occurs to quicken the tardy footsteps of the local police department. The statement that the girls who wander about Hotel street in the evening are daughters of lei women is said to be only another one of the subterfuges behind which the police force hides. A Republican reporter was standing near one of the lei women at a late hour Monday night waiting for a car. A policeman in uniform stood less than three feet from him and both the reporter and the policeman distinctly heard one of the so-called daughters of lei women annoyed and insulted beyond endurance by one of the nightly loungers of Hotel street.

Although the girl was sitting next a lei woman, who seemed to be her mother, and the officer was within two yards of her, she had to listen in silence to insult after insult.

The question in the reporter's mind was, who had given the policeman instructions not to arrest this human vulture?

RIFLE ASSOCIATION  
WILL HAVE NEW RANGE.Board of Health Decides to Erect  
New Butts at Iwilei to Re-  
place Those Burned.

The rifle range at Iwilei will at last be turned over to the Hawaiian Rifle Association. The board of health decided yesterday to put the butts in proper condition and place them in the hands of the local gunners. The buildings that were built near the oil house for the use of the board of health during the late epidemic, were ordered demolished, and this lumber will be used to replace the rifle association buildings which were destroyed by fire.

After some discussion the board decided to appoint Geo. W. Smith, a committee of one, to investigate conditions and make a plan for the collection of vital statistics of the territory.

Application was read from H. A. Lindlie, to be permanently appointed board physician for South Kona. Action was deferred until next meeting.

C. B. Reynolds, in a letter desired that F. A. Eaton be appointed board agent for Kan and that W. J. Yates occupy the same position in South Kona. Both requests were granted.

Dr. Garvin recommended that a swamp in Kaaka should be visited by the board and measures taken to remedy the matter. The question was referred to the committee in charge of Kewalo, with power to act. Building Inspector Pratt was instructed to refuse all building permits for that region until the matter was acted on by the board.

Mr. Lowrey reported for the sewerage investigation committee, stating that they had conferred with the governor's council and that the governor had promised to look into the matter. Attorney General Dole reported on the condition of the water, recommending that the water be drained off and other improvements made. The matter was turned over to a committee composed of Messrs. M. Candlish, Lowrey and Wood.

The report of Plumbing Inspector Johnson was read and approved.

There was a letter from Dr. J. D. Thompson of Kua, speaking of the illegitimate practice of medicine by Japanese. He was appointed registrar of deaths for Kan.

KAAPANA SENTENCED  
TO SEVEN YEARS.He Is Found Guilty of  
Disfiguring His  
Grandfather.

## ANOTHER DEFECTIVE COMPLAINT.

SAMUEL BARNEY PLEADS NOT  
GUILTY TO CHARGE OF  
MURDER.Small Cases in the Courts Told in  
a Few Lines—Humor at a  
Jurors' Banquet  
Table.

Well, a jury of twelve good and tried men decided in Judge Humphreys' court yesterday that Kaapana, when he bit a piece out of his grandfather's nose at a luau didn't do it in a spirit of levity nor because he was hungry. They decided that the morsel was taken with premeditation, malice aforethought and feloniously.

Judge Humphreys, in passing sentence, stated that the defendant was indicted on the 13th of this month. "Upon your statement that you were poor," said the court, "assigned one of the ablest members of the bar to defend you. Counsel has not fallen in the high esteem of his ability entertained by the court."

The court then sentenced Kaapana to seven years' imprisonment at hard labor and to a fine of \$1 and costs. Exceptions were made.

Kaapana was ably defended by C. C. Biting.

The prosecution was conducted by Deputy Attorney General Cathcart.

After disposing of the Kaapana case Judge Humphreys immediately started to try Kane on a charge of highway robbery. George A. Davis was substituted for George D. Gear as attorney for defendant. After securing a jury the court adjourned until this morning and the remaining trial jurors were excused until 2 o'clock this afternoon.

In the same court another case, owing to a defective complaint, went "glimmering" as a school boy's tale of woe. It was the case of the Territory vs. Goo Yuen.

Samuel Barney, charged with the murder of J. W. Lorbeer, was arraigned and pleaded not guilty.

The case of John Kelly for committing an assault was placed on the calendar.

In the case of the Hawaiian Trust and Investment company, Ltd., against Annie A. Barton, action to quiet title, Judge Silliman has found for the plaintiff. The property in question is an undivided fourth interest in a piece or parcel of land known as the Canton hotel premises in this city.

In the case of Thomas Miller Harrison vs. J. A. Magoon, L. C. Ables, F. B. McStocker and Dorothea Emerson, plaintiff excepts to the ruling made by Judge Silliman on August 17th sustaining defendants' demurrer to plaintiff's complaint on the ground that the same is contrary to the law. Judge Silliman has allowed the exception.

Judge Silliman has refused to appoint Court Deputy Clerk P. D. Kellett, Jr., guardian of Malaka Moolan and Keao Moolan, but has appointed Mr. and Mrs. Thomas Murray guardians of the children.

Frederick G. Smith, with the features of Apollo, a young man who came here from New York on the last steamer, has been appointed a court deputy clerk. Who says that this isn't a good country for the Smith family to emigrate to?

What is a dinner without a pickle? What is life without a little levity? So thought the jury in the Kaapana mayhem case yesterday when in a body they went to lunch at the Union Grill. The jurors all took pickles to give zest to appetite. When the steaming viands were placed before the jurors, according to the statement of Eugene Sullivan, J. H. Schnack generously offered to crack several large cold bottles and let their contents effervesce.

"You are fooling," said several jurors in chorus.

Mr. Schnack stoutly contended that he was not.

The temperance proclivities of several of the jurors forbade. But they compromised on cigars.

## TONIGHT'S BAND CONCERT.

Captain Berger has prepared a grand solo program for the band concert tonight at the Hawaiian hotel grounds. Every number will be a solo, either for some instrument or a vocal solo. Both Captain Berger and the hotel management hope there will be a large attendance.

PART I.  
B Clarinet solo, Autumn Leaves..... Berger

D. K. Naone..... Adams

E. Machado..... Hartman

I. Kaas.....

Four waltz songs, with orchestra and chorus.....

(a) Pride of the Ball; (c) Doris..... Mrs. N. Alapai

(b) Sweethearts; (d) Iurton Girl..... Mrs. I. Kellias

PART II.  
E Clarinet solo, Scenes That Are Brightest..... Round

W. Falkner..... Short

Cornet solo, Glen Island..... I. Amsalu

Piccolo solo, Auld Lang Syne..... Rollinson

Trombone solo, The Message..... B. Baker

The Star Spangled Banner.....

People attending the concert in en-  
rager are requested to avoid using the  
Hotel street entrance to the grounds  
on account of the large number in at-  
tendance who occupy the driveways  
while listening to the music.